

# **Exhibit**

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IN THE HIGH COURT OF SOUTH AFRICA  
(CAPE PROVINCIAL DIVISION)

CASE NO. 1407/2006

In the matter between:

MASEVE INVESTMENTS 7 (PTY) LTD

Applicant

and

THE GOVERNMENT OF THE REPUBLIC OF  
EQUATORIAL GUINEA

First Respondent

TEODORO NGUEMA OBIANG

Second Respondent

THE REGISTRAR OF DEED WESTERN CAPE

Third Respondent

THE DIRECTOR GENERAL OF FOREIGN AFFAIRS

Fourth Respondent

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FILING SHEET

PRESENTED FOR FILING AND SERVING:  
SECOND RESPONDENT'S ANSWERING AFFIDAVIT

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DATED AT JOHANNESBURG ON THIS 8<sup>TH</sup> DAY OF AUGUST 2006



MCHUNU KOIKANYANG ATTORNEYS

Second Respondent's Attorneys

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C/o McGregor Stanford Kruger

DOJ\_0000557

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TO: THE REGISTRAR  
OF THE ABOVE HONOURABLE COURT  
CAPE TOWN

AND TO: WYNARD VILJOEN  
Applicant's Attorneys  
C/o De Klerk & Van Gent Inc  
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132 Aderly Street  
Cape Town

Attention: Wynard Viljoen  
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|                                  |                        |
|----------------------------------|------------------------|
| AFSCHRIF OORVANG / COPY RECEIVED |                        |
| DE KLERK & VAN GENT              |                        |
| PER                              | <u>S van Jaarsveld</u> |
| DATUM/DATE                       | <u>10/08/06</u>        |
| TYD/TIME                         | <u>11h00</u>           |

IN THE HIGH COURT OF SOUTH AFRICA  
(CAPE PROVINCIAL DIVISION)

CASE NO 1407/2006

In the *ex parte* application between -

MASEVE INVESTMENTS 7 (PTY) LIMITED

APPLICANT

and

THE GOVERNMENT OF THE REPUBLIC  
OF EQUATORIAL GUINEA

1<sup>ST</sup> RESPONDENT

TEODORO NGUEMA OBIANG

2<sup>ND</sup> RESPONDENT

THE REGISTRAR OF DEEDS,  
WESTERN CAPE

3<sup>RD</sup> RESPONDENT

THE DIRECTOR-GENERAL OF  
FOREIGN AFFAIRS

4<sup>TH</sup> RESPONDENT



AFFIDAVIT

I, the undersigned,

TEODORO NGUEMA OBIANG

do hereby make oath and state as follows:

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1.1 I am an adult Guinean male, and businessman, residing at Malaba,  
Republic of Equatorial Guinea.

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1.2 The facts contained in this affidavit are within my personal knowledge, save where the contrary appears, and are, to the best of my knowledge and belief, true and correct.

1.3 I am the second respondent in this matter. Although I am the Minister of Forestry in the Government of the Republic of Equatorial Guinea, I purchased: Erf 477 Clifton Ridge and Erf 303 Constantia, Cape Town, in my private capacity, from my own funds. Therefore I depose to this affidavit in my personal capacity, as a private citizen of that country and, anything that I say is not intended to be, nor is it, on behalf of the Government of the Republic of Equatorial Guinea.



#### BACKGROUND TO THE APPLICATION

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2.1 On 15 February 2006, the applicant launched an *ex parte* application for a rule *nisi*, being an attachment order, and *confirmandam jurisdictionem*.

2.2 A rule *nisi* was issued calling upon the respondents to show cause, before 17 August 2006, at 10h00 or as soon thereafter as

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11.1.7 he must also obtain permission from the Ministry of Economics and Finance for the funds to be remitted abroad;

11.1.8 It is only after permission has been obtained that the transferor's bank can transfer the funds to the Paris bank for the latter to remit the same to the recipient's account in the foreign country.

11.2 Cabinet Ministers and public servants in Equatorial Guinea are by law allowed to own companies that, in consortium with a foreign company, can bid for government contracts and should the company be successful, then what percentage of the total cost of the contract the company gets, will depend on the terms negotiated between the parties.



11.2.1 But, in any event, it means that a cabinet minister ends up with a sizeable part of the contract price in his bank account.

11.2.2 It is in the context, therefore, of the law of Equatorial Guinea that my owning a company should be viewed by this Court, and not in terms of the South African law.

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11.3 One of the companies that I own is SOCIEDAD DE CARRETERAS DE GUINEA ECUATORIAL ("SOCAGE"), with a bank account at the CCEI BANK GE, in BATA, the commercial capital of the country.

#### PURCHASE OF 76 4<sup>TH</sup> BEACH AND 35 KLAASENS ROAD

12 Turning *first* to the purchase of 76-4<sup>th</sup> Beach, Erf 477 Clifton Ridge, Cape Town. ("4<sup>th</sup> Beach") In February 2004, I came to South Africa on the occasion of the opening of our Embassy in Pretoria. Thereafter I went to Cape Town with the Ambassador to the opening of the South African Parliament. That is when I decided that I wanted to purchase property in South Africa and, in Cape Town in particular. ✓



13 I was introduced to two estate agents: Gail Gabriel Gavrill of Dogoon & Gavrill Properties and Mike Greeff of Greeff Properties, both of Cape Town. I then instructed the firm of William Inglis Inc as my conveyancing attorneys in respect of the 4<sup>th</sup> Beach property, as my conveyancing attorneys. I had insisted that once the purchase price was agreed, I be told in advance all the other

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necessary expenses associated with purchasing property; taxes, duties, conveyancing and registration fees that were payable, so that I would send to the conveyancing attorney all moneys due and payable in one go instead of in drips and drabs.

13.1 On return to Equatorial Guinea I went to my bank: CCEI BANK GE in BATA, signed a Transfer Order in the sum of R25 451 795.70 from the SOCAGE Account to the account of William Inglis Inc with the Standard Bank of South Africa. This was on 29 March 2004. I attach hereto a copy of the Transfer Order, marked "TNO1".



13.2 At the same, ie 29 March 2004, I applied for permission from the Department of Economy and Finance to effect the transfer of the abovementioned foreign currency to William Inglis Inc, South Africa. This was granted the following day: 30 March 2004. I attach hereto, marked "TNO2", the Department's permission.

13.3 On 31 March 2004, the CCEI BANK GE, from its headquarters in Malabo, the capital city, transferred from the bank account of Socage, Bata, the amount of R25 451 795.70 to Belgolaise, Paris, France for the Standard Bank of South Africa account of William

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